

33 NOTICE OF ELECTION: A notice of election informs eligible employees about the election. There are six standard FLRA forms available:

- a. [FLRA Form 125A](#) - Notice of Election for use in manual ballot or mixed mail/manual ballot elections with two blank panels;
- b. [FLRA Form 125B](#) - Notice of Mail Ballot Election for use in all-mail ballot elections with two blank panels;
- c. [FLRA Form 210A](#) - Notice of Election for use in manual ballot or mixed mail/manual ballot elections with three blank panels; this notice has the same language on the right and left panels as FLRA Form 125A.
- d. [FLRA Form 210B](#) - Notice of Mail Ballot Election for use in all-mail ballot elections with three blank panels; this notice has the same language on the right and left panels as FLRA Form 125B.
- c. [FLRA Form 36A](#) - Notice of Election for use in manual ballot or mixed mail/manual ballot elections to consolidate existing units; and
- d. [FLRA Form 36B](#) - Notice of Mail Ballot Election for use in all-mail ballot elections to consolidate existing units.

33.1 Preparation and distribution of the notice of election: Section 2422.23(b) states that prior to the election, the Regional Director will prepare a notice of election.

33.2 Contents of the notice of election: The contents of the notice of election are based upon, and consistent with, the terms of the Election Agreement or Direction of Election. At a minimum, a notice of election includes:

- a. The name of the agency and/or activity involved.
- b. The appropriate unit including a description of the inclusions and exclusions comprising the unit or voting groups involved. This language is taken directly from the Election Agreement, Decision and Order and Direction of Election, or Direction of Election.
- c. A statement concerning the effect(s) of the vote. This language is also taken directly from the Election Agreement, Decision and Order and Direction of Election, or Direction of Election.

- d. The eligibility period. The eligibility period is included in the notice either: 1) as part of the description of those eligible to vote. For instance, "Those eligible to vote: all who were employed during the payroll period ending (date). Excluded..."; or 2) as a separate provision.
- e. The date(s), hour(s), and location(s) of the manual election. If multiple sites or times or both, are used, the notice sets forth in full, the sites, times and locations. If certain employees are assigned to vote at specified sites, the notice reflects the parties' agreements regarding access to polling sites.
- f. In a mail ballot election: the notice includes the date for mailing out the ballots; the date for returning the ballots; and procedures for eligible employees who fail to receive a ballot. The entire Appendix that is set forth in the election agreement may be abbreviated for the Notice as long as it includes the information described above. This information is crucial to the voter.
- g. If an absentee ballot procedure is used, a description of who is eligible to receive an absentee ballot and the procedures for obtaining an absentee ballot. The information in the Appendix for Absentee Balloting in the election agreement may be abbreviated for the Notice as long as the Notice includes sufficient information to enable an employee to understand the requirements for, eligibility for, and the procedures to follow to request and receive an absentee ballot.

NOTE: If the election is a combination of mail, manual and/or absentee balloting, all procedures are spelled out in the Notice.

- h. The date, time and place where ballots will be counted.
- i. Voter identification procedures for manual ballot elections; and
- j. A sample ballot, clearly marked as such, with the word "Sample" appearing diagonally across the ballot.

Any other information that is contained in the Election Agreement, Decision and Order and Direction of Election, or Direction of Election that informs the voter about the election, the effect of the vote, and the appropriate unit are also be included in the notice.

- 33.3 Responsibility for printing notices:** The ultimate responsibility for preparing and reproducing the notice is the region's. If the activity has suitable reproduction facilities, the region may request the activity to reproduce the required number of copies to satisfy the posting requirements. The activity uses the original notice prepared by the region.
- 33.4 Distribution of the notice of election:** Section 2422.23(b) requires the activity or agency to post the notice of election in places where notices to employees are customarily posted and/or in a manner by which notices are normally distributed. Normally, notices to employees are posted on bulletin boards; however, many activities or agencies also communicate with their employees through regular or electronic mail. During the election agreement conference, the agent discusses suitable arrangements for posting and distributing the notice of election with the parties.
- 33.4.1 Number of notices:** If notices are normally posted on bulletin boards, at least one copy of the notice to employees is posted at each location in the facility where notices to employees are customarily posted. A reasonable number of extra copies are prepared for use at the election, to replace defaced copies and to include in the case file.
- 33.4.2 Distribution of notices other than by posting:** If notices to employees are normally distributed electronically at an agency, the region prepares a copy of the notice or a facsimile, including a sample ballot, on a diskette for the agency. The sample ballot is secured so that it cannot be copied. If the agency cannot secure the sample ballot on the electronic version, the region prepares a version without a sample ballot. In these circumstances, the agency also posts the complete notice, including the sample ballot.
- 33.5 Posting period:**
- 33.5.1 Manual ballot elections:** The minimum period for posting the notice of election in a manually conducted election ([FLRA Form 125A](#), FLRA Form 210A or [36A](#)) is three (3) working days prior to, but not including, the date of the election. ***Note that the right and left panels of the notice of a manual ballot election are available at n:\forms\125a.wpd.***
- 33.5.2 Mail ballot or mixed mail/manual ballot elections:** A notice of election in an all-mail ballot election ([FLRA Form 125B](#), FLRA Form 210B or [FLRA Form 36B](#)) or a mixed mail/manual ballot election ([FLRA Form 125A](#), FLRA Form 210A or [FLRA Form 36A](#)) is posted no later than the date of the mail-out of the ballots to eligible voters. The Notice remains posted through the date of the count of the ballots. **In addition, copies of the notice or a reasonable**

facsimile of it are included with the ballot materials that are mailed to eligible voters ([CHM 28.23.4](#) and [CHM 43.1.1](#)). (Note that the right and left panels of the notice of mail ballot election are available at `n:\forms\125b.wpd` or `n:\forms\125a.wpd` for mixed mail and manual.)

- 33.6 Defaced Notices:** The agent informs the activity during the election agreement conference that if the posted notice is defaced in any way, particularly with markings made on the sample ballot, the notice is removed without delay and replaced [see also § 2422.23(c) about reproducing sample ballots and [CHM 33.12](#)].
- 33.7 Foreign languages:** When necessary, foreign-language notices are prepared and posted. If a foreign language notice is used, the ballot is also printed in that foreign language.
- 33.8 Separate notices of election in self-determination elections:** In a self-determination election where there are separate voting groups [such as voting groups (a) and (b)], the Regional Office prepares a notice of election that clearly articulates each voting group, the choices on each ballot, the effect of the vote on each voting group and the election details. This applies to professional-nonprofessional elections and other self-determination elections. The region has the option of preparing separate notices of election for each voting group or placing all of the information on one notice. Separate notices may be the better choice, since each voting group has a different unit description, different choices on the ballot and a different sample ballot. It is important that every employee understand the notice, voting groups, his/her choices on the ballot, effect of the vote, and the time, date and place of the election.
- To aid the voters, the Regional Office enters the caption “Voting Group (a)” on the notice of election for each separate voting group.
- 33.9 Service of notice of election of all parties:** Copies of the notice(s) of election are served on all parties to the election. The notice furnished to the parties is identical to the notice of election that is posted and includes a copy of the sample ballot.
- 33.10 Posting eligibility lists:** The publication of eligibility lists by the parties to an election has the effect of disrupting orderly procedures. It creates confusion in the minds of employees and thereby interferes with the conduct of the election. *Department of the Army, U.S. Army Aviation Systems Command, St. Louis, Missouri*, 3 A/SLMR 559 (1973). Therefore, during the election conference, the agent reminds the parties that they cannot post or distribute

the voting list in any way ([CHM 28.18.3.3](#)) or any other list of employees ([CHM 28.11.3.3](#)).

- 33.11 Investigating the posting:** Agents are not required to investigate the activity's posting of the notice of election unless s/he receives a complaint from a party concerning the posting. If a complaint is filed, the agent obtains clearance from the Regional Director and the activity before entering the activity's premises to investigate the posting.
- 33.12 Sample ballot:** The parties are reminded that the reproduction of any document purporting to be a copy of the official ballot that suggests either directly or indirectly to employees that the Authority endorses a particular choice in the election may constitute grounds for setting aside an election if objections are filed under § 2422.26. See § 2422.23(c).

